

Docket No.: 1998 P 07512 US 04
App. No.: 09/071.664

REMARKS

Status of Claims

After entry of the above amendments, claims 1-16 and 18-22 are pending.

Claim 22 was added to claim the invention more extensively without adding new matter. Reconsideration of all rejections is respectfully requested.

Summary of the Office Action

Item 1 of the Office Action identified the pending claims.

Item 2 recited a code section.

Item 3 rejected claims 1, 4, 7-9, 14-15 and 18-21 under 35 U.S.C. 102(e) as being unpatentable over Hanson et al. (U.S. Pat. No. 5,740,229, hereinafter "Hanson").

Item 4 rejected claims 2-3, 5-6, 10, 12-13 and 16 under 35 U.S.C. 103(a) as being unpatentable over Hanson and further in view of Dunn et al. (U.S. Pat. No. 6,169,795, hereinafter "Dunn").

Item 5 stated that arguments made by Applicants in the previous Amendment are moot in view of the new ground(s) of rejection in the Office Action.

Items 6 gave contact information.

Claim Rejections

Hanson

Hanson teaches a "method and apparatus for allowing a caller to leave a message for an unreachable called party" (Hanson, Abstract, underlining added).

Dunn

Dunn teaches a "system and method to implement callback for unanswered telephone calls in an Internet Telephony Callback system" (Dunn, Abstract, underlining added).

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Independent Claims 1, 11 and 20-21

Claim 1 recites a step of "the server immediately attempting to contact the second user based on the first user requesting". The other independent claims, claims 11, 20 and 21, recite similar limitations. Item 3 of the Office Action contends that Hanson teaches this step (at Hanson, col. 3, line 51 to col. 4, line 8). Applicants respectfully disagrees with such a contention.

Applicants respectfully submit that the cited portion of Hanson does not anywhere teach "the server immediately attempting to contact the second user based on the first user requesting (the server to deliver a call back request to the second user)" as is required by claim 1. On the contrary, the cited portion of Hanson actually states that "the message server 18 will record the call originator's name, get and store information on the call back time and place per the step 56 and, record the call request as per the step 58[, and] periodic attempts will be made after a caller specified delay interval" (underlining added). Accordingly, it is seen that Hanson specifically teaches that there is a "delay interval" before Hanson's server attempts to contact the called party. There is absolutely no teaching that the delay interval is ever zero. (Furthermore, as will be discussed further, a delay interval of zero would not make sense and is taught away from by Hanson.) Accordingly, Applicants respectfully submit that Hanson does not anticipate claim 1 or claims 11, 20 or 21.

Furthermore, Applicants respectfully point out that Hanson expressly deals only with a "method and apparatus for allowing a caller to leave a message for an unreachable called party", as was quoted above. Accordingly, it would not be obvious for Hanson's server to immediately try to contact a called party, given that the called party is "unreachable" and had just immediately before failed to be reached. Accordingly, it is seen that Hanson teaches away from Applicants' claims and that there would not have been expectation of success for anyone of ordinary skill in the art to somehow modify Hanson's teachings to somehow obtain Applicants' claims. Accordingly, Applicants respectfully submit that Hanson cannot even properly be used in combination with other references to

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say that Applicants' claims are obvious. (Applicants further note that Dunn, like Hanson, teaches a callback system for "unanswered calls").

Remaining Claims

The remaining claims depend on one of claims 1, 11, 20 or 21 and are therefore allowable for at least the same reasons as are their respective base claims. Further, the remaining claims in general are further allowable also based on the limitations that they themselves recite. Accordingly, all assertions in the Office Actions regarding the remaining claims are made moot.

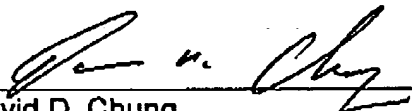
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Conclusion

Therefore, Applicants submit that their invention is not disclosed, taught, or suggested by the references of record. Therefore, it is submitted that all of the claims are allowable over the art of record and it is respectfully requested that the application be passed to allowance.

Dated: 5 April 04

Respectfully submitted,


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